



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,433	08/30/2000	Klaus Hofrichter	80398.P334	2558

7590

12/24/2003

Jeffrey S Smith
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Blvd
7th Floor
Los Angeles, CA 90025

EXAMINER

CORNWELL, BRIAN I

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/24/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,433

Applicant(s)

HOFRICHTER ET AL.

Examiner

Brian Cornwell

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the inventors' signatures are missing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6,10-15,19-23 rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al (5,861,906), cited by examiner.

As to claim 1, the claimed changing of the presentation order based on bookmarking signals from the viewer is met by the new series of video segments, customized by the viewer (col.10 ln.26-28), replacing the default “new releases” video segments order (col.10 ln.31-32) initially presented to the viewer (col.6 ln.36).

As to claim 2, the claimed association of the teasers and video segments is met by the join table that correlates the full length program IDs with the associated preview clip IDs (col.9 ln.5-7).

As to claim 3, the claimed sequential presentation of the teasers is met by the reference's disclosure of the headend transmitting video previews in sequential order, according to the order shown in the displayed list (col.10 ln.38-40).

As to claim 4, the claimed viewer's signal indicating interest, during the presentation of a teaser is met by the reference's disclosure of the viewer browsing trailers, clicking an "add to list" button, and having the program ID added to a customized viewer list (col.6 ln.66-col.7 ln.3).

Claim 5 is met by that discussed above for claim 4.

As to claim 6, the claimed presentation of video segments in the new order is met by the ordering of the video segments in the order shown in viewer list in Figure 5.

Computer readable medium claims 10-15 are met by that discussed above for the method claims 1-6.

Apparatus claims 19-23 are met by that discussed above for the method claims 1-6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-9,16-18,24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al (5,861,906).

Art Unit: 2614

As to claim 7, Dunn teaches everything, as discussed above, except the presentation of non-bookmarked segments after bookmarked segments. However the examiner gives official notice that it is notoriously well known in the art of video segment presentation to display video segments after those that have been marked as “of interest” in order to offer more viewing material to the viewer after he watches the “of interest” segments. Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to add that functionality to the Dunn system in order to generate more revenue.

As to claim 8, Dunn teaches everything, as discussed above, except the negative rating indication and the neutral rating indication. However the examiner gives official notice that it is notoriously well known in the art of video segment interest ratings to indicate through a ratings system the full range of interest, including neutral and disinterest, in order to better quantify the level of interest in the segments. Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to add that functionality to the system of claim 7, in order to more affectively prioritize the presentation of video segments.

As to claim 9, Dunn teaches everything, as discussed above, except the modification of the order of the customized list. However the examiner gives official notice that it is notoriously well known in the art of ordering customized lists/playlists to enable a user to modify the list in order to allow more flexibility for the user. Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow for modification of the lists/playlists of the system of claim 7, in order to increase user viewing pleasure.

Art Unit: 2614

Computer readable medium claims 16-18 are met by that discussed above for the method claims 7-9.

Apparatus claims 24-26 are met by that discussed above for the method claims 7-9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swenson et al (6,064,380) discloses a system for bookmarking multimedia content. Billock et al (5,619,249) discloses a system for video presentation and viewing trailers .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Cornwell whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 6-4 (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4357.

BIC
December 15, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 2600